

Position 3

UNITED STATES DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT
RURAL HOUSING SERVICE

IDENTITY OF INTEREST (IOI) DISCLOSURE CERTIFICATE

SECTION 1: TO BE COMPLETED BY ALL APPLICANTS/BORROWERS	
Applicant/Borrower Name:	Project Name:
	Location: (Town, County, State)
<i>CHECK SECTION II OR III, AS APPLICABLE</i>	
SECTION II. TO BE COMPLETED ONLY WHEN NO IDENTITY OF INTEREST EXISTS	SECTION III. TO BE COMPLETED WHEN AN IDENTITY OF INTEREST DOES EXIST
<div style="display: flex; align-items: center; margin-bottom: 10px;"><input style="width: 30px; height: 20px; margin-right: 5px;" type="checkbox"/> <u>Certification of No Identity of Interest</u></div> I, _____ <div style="text-align: center; margin-left: 100px;"><i>(please print)</i></div> <p>(party of the first part, hereby certify that I have read Section IV of this Disclosure Certificate and understand what the USDA, Rural Development, Rural Housing Service (herein referred to as Agency) has determined constitutes an Identity of Interest and that NO identity of interest relationships exist between me and ANY individual or organization doing business with the project.</p> <p>(Complete Section VI)</p>	<div style="display: flex; align-items: center; margin-bottom: 10px;"><input style="width: 30px; height: 20px; margin-right: 5px;" type="checkbox"/> <u>Certification of Identity of Interest</u></div> I, _____ <div style="text-align: center; margin-left: 100px;"><i>(please print)</i></div> <p>(party of the first part) hereby certify that I have read and understand what the Agency has determined constitutes an identity of interest, as outlined in Section IV, and hereby disclose in Section V those entities with which I have an identity of interest relationship.</p> <p>(See Section IV)</p>
SECTION IV. IDENTITY OF INTEREST STATEMENT	
<p>I understand and agree that the Agency considers an identity of interest to exist: (1) when there is any financial interest of the party of the first part in the party of the second part; (2) when one or more of the officers, directors, stockholders, or partners of the party of the first part is also an officer, director, stockholder, or partner of the party of the second part; (3) when any officer, director, stockholder, or partner of the party of the first part has any financial interest whatsoever in the party of the second part; (4) between the spouse, significant other, relatives, and step-relatives of the principal owners of the party of the first part and its management, such as Grandmother, Aunt, Daughter, Granddaughter, Grandfather, Uncle, Son, Grandson, Mother, Sister, Niece, Cousin, Father, Brother, Nephew; (5) when the party of the second part advances any funds to the party of the first part; (6) when the party of the second part provides and pays on behalf of the party of the first part the cost of any legal services, architectural services, or engineering services other than those of a surveyor, general superintendent, or engineer employee by a general contractor in connection with obligations under the construction contract; (7) when the party of the second part takes stock or any interest in a party of the first part as part of the consideration to be paid; (8) when there exists or comes into being any side deals, agreements, contracts, or undertakings entered into thereby altering, amending, or canceling any of the required closing documents except as approved by the Agency. An identity of interest will also exist when another party can significantly influence the management or operating policies of the transacting parties or if it has an ownership interest in one of the transacting parties and can significantly influence the other to an extent that one or more of the transacting parties might be prevented from fully pursuing its own separate interests.</p>	
Page 1 <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block; margin-left: 10px;"></div>	

SECTION V. TO BE COMPLETED FOR EACH IDENTITY OF INTEREST ENTITY. (ADD ADDITIONAL SHEETS IF NECESSARY). EACH IDENTITY OF INTEREST MUST COMPLETE AN IDENTITY OF INTEREST QUALIFICATION FORM (FORM RD 1944-31) WHICH MUST BE ATTACHED TO THIS CERTIFICATE.

Type of Entity: Contractor ☐ Subcontractor ☐ Architect ☐ Attorney ☐

Property Management ☐

Supplier of: Material ☐

Labor ☐

Both ☐

Services ☐

Entity Name: _____

Address: _____

Phone Number: _____

Trade/Business: _____

Describe relationship to IOI entity: _____

Type of Entity: Contractor ☐ Subcontractor ☐ Architect ☐ Attorney ☐

Property Management ☐

Supplier of: Material ☐

Labor ☐

Both ☐

Services ☐

Entity Name: _____

Address: _____

Phone Number: _____

Trade/Business: _____

Describe relationship to IOI entity: _____

SECTION VI: TO BE COMPLETED BY ALL APPLICANTS/BORROWERS

I further understand and agree that if any of my business practices change during the life of the loan to include Identity of Interest relationships referred to above, I will file an amended disclosure Certificate. I also agree to provide a new disclosure Certificate at any time requested by the Agency.

This Certification shall be in effect for a period of three years, beginning on the _____ day
of _____, 19____.

I hereby certify, under penalty of law*, and with knowledge that this information may be verified, that the information submitted is true and accurate and that no other identity of interest relationships exist between me and any individual or organization, doing business with the project named in Section I of this Certificate, except as described above. I further understand that failure to disclose an Identity of Interest to the Agency will also subject me to any and all administrative remedies available to the Agency. Such remedies may include suspension and debarment from participating in any Agency or Federal program.

Signature

Date

Signature

Date

*WARNING: Section 1001 of Title 18, United States Code provides, "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than five years, or both."

SECTION VII: GENERAL INFORMATION FOR ALL APPLICANTS/BORROWERS

Instructions for Completion

Prepared by: Applicant/Borrower

NOTE: If the applicant/borrower has an identity of interest relationship both as a principal in the general partnership and as an individual, a Disclosure Certificate for each will be executed.

Number of Copies: Original and Two

Signatures Required: Applicant/Borrower

Distribution of Copies: Original to Borrower file,
Copy to Borrower

NOTE: ATTACH IDENTITY OF INTEREST QUALIFICATION FORMS.

Each page and any attachments to this Certificate will be numbered and initialed by the borrower.

FORMS MANUAL INSERT

FORM RD 1944-30

To be used for Multi-Family Housing Loans to evidence the existence of Identities of Interest.

Form RD 1944-31 will be attached to record qualifications of Identity of Interest entities.

(1) Entity requesting RHS funding.

(see reverse)

PROCEDURE FOR PREPARATION : RD Instructions 1930-C and 1944-E.

PREPARED BY : Applicants/Borrowers.

NUMBER OF COPIES : Original and two copies.

SIGNATURE REQUIRED : Applicants/Borrowers.

DISTRIBUTION OF COPIES : Original filed in Borrower's case file, copy to Borrower, copy to State Director.